

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S3/10/09

A Bill

SENATE BILL 65

5 By: Senator Madison
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 8 OF
10 THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR
11 OTHER PURPOSES.
12

Subtitle

13 AN ACT TO MAKE VARIOUS CORRECTIONS TO
14 TITLE 8 OF THE ARKANSAS CODE OF 1987
15 ANNOTATED.
16
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 8-1-106(b)(2)(A)(i) is amended to read as
22 follows to correct a reference:

23 (A)(i) Governmental entities, consisting only of
24 subdivisions or agencies of the federal government, agencies of the state
25 government, counties, municipalities, or duly authorized regional solid waste
26 ~~authorities~~ management boards as defined by ~~§ 8-6-707~~ § 8-6-702.
27

28 SECTION 2. Arkansas Code § 8-1-106(b)(5) is amended to read as follows
29 to make stylistic changes:

30 (5) For a person or an entity seeking a renewal of an expiring
31 permit, license, certification, or operational authorization the disclosure
32 requirements of this section shall be met if the person or entity:

33 (A) Discloses any change in previously submitted
34 information; or

35 ~~(B) Verifies~~ verifies that the previously submitted
36 information remains accurate; and



1 ~~(C)~~(B) Submits the information on forms developed by the
2 department.

3
4 SECTION 3. Arkansas Code § 8-1-312 is amended to read as follows to
5 make stylistic changes:

6 8-1-312. Scope.

7 ~~(a)~~ Nothing in this subchapter may limit, waive, or abrogate:

8 (1) the The scope of any statutory or common law privilege,
9 including the work product doctrine and the attorney-client privilege; ~~or~~

10 ~~(b) Nothing in this subchapter may limit, waive, or abrogate~~ (2) the
11 The rights of the public as provided ~~for~~ in the Freedom of Information Act of
12 1967, § 25-19-101 et seq.

13
14 SECTION 4. Arkansas Code § 8-3-102 is amended to read as follows to
15 make stylistic changes:

16 8-3-102. Ambient air quality standards - Hydrogen sulfide.

17 (a) After review of scientific literature and similar standards in
18 other states, the Arkansas Pollution Control and Ecology Commission shall
19 promulgate, through procedures set out in § 8-4-202, ambient air quality
20 standards or other appropriate regulatory controls that will protect the
21 public health and the environment from the emission of hydrogen sulfide.

22 (b)(1) Before the commission proposes an ambient standard or
23 regulatory mechanism concerning hydrogen sulfide that will result in more
24 stringent or restrictive control provisions than are currently provided by
25 Arkansas Department of Environmental Quality permitting practices, the
26 commission shall direct the department to prepare, with the assistance and
27 *cooperation of state agencies with appropriate expertise, a ~~cost/benefit~~ an*
28 *economic impact and environmental benefit analysis justifying more stringent*
29 *or restrictive operating conditions.*

30 (2) *The economic impact and environmental benefit analysis ~~will~~*
31 *shall include, but not be limited to, without limitation:*

32 (A) ~~the~~ The benefit to the public health; ~~and~~

33 (B) ~~the~~ The preservation of environmental quality; ~~and~~

34 (C) ~~the~~ The cost to the regulated community and the
35 department.

36 (3) *The conclusions of ~~this~~ an economic impact and environmental*

1 benefit analysis shall be included in any public notice of the proposed
2 rulemaking and shall be subject to public comment.

3
4 SECTION 5. Arkansas Code § 8-4-408(1) is amended to read as follows to
5 make a stylistic change:

6 (1) To conduct lead-based paint activities without having first
7 obtained a license ~~and/or certification~~ or certification, or both, from the
8 Arkansas Department of Environmental Quality when acting as a contractor,
9 consultant, training provider, inspector, project designer, risk assessor,
10 supervisor, or worker;

11
12 SECTION 6. Arkansas Code § 8-6-205(c) is amended to read as follows to
13 make a stylistic change:

14 (c) No person shall be liable for any violation of this subchapter or
15 of any rule, regulation, or order of the commission issued pursuant to this
16 subchapter if the violation results solely from the act or omission of a
17 third party, unless the person has knowingly allowed the violation to occur
18 through acquiescence, acts, ~~and/or~~ or omissions.

19
20 SECTION 7. Arkansas Code § 8-6-503(4) is amended to read as follows to
21 make a stylistic change:

22 (4) "Illegal dump" means any place at which solid waste is
23 placed, deposited, abandoned, dumped, or otherwise disposed of in a manner
24 that is prohibited by this subchapter or other statutes, rules, or
25 regulations, and which constitute one (1) of ~~and/or any of~~ the following:

- 26 (A) An attractive nuisance;
- 27 (B) A fire, health, or safety hazard;
- 28 (C) A potential source of surface ~~and/or~~ or groundwater
29 contamination; or
- 30 (D) Other contamination that is hazardous to the public
31 health or endangers the environment;

32
33 SECTION 8. Arkansas Code § 8-6-704(a)(13) and (14) is amended to read
34 as follows to make terminology consistent:

35 (13)(A) To enter into agreements with another solid waste
36 management district to allow a district or any person within that district to

1 transfer solid waste into another district.

2 (B) However, notice of all such authorizations shall be
3 submitted to the Arkansas Department of Environmental Quality within thirty
4 (30) days and shall be incorporated into the ~~district~~ regional needs
5 assessment in its next regular update; and

6 (14)(A) To authorize a disposal facility within a district to
7 accept the receipt of solid waste from an adjoining district upon request by
8 the generator of that solid waste, provided that the request specifies the
9 disposal facility and the nature and estimated annual volume of solid waste
10 to be received.

11 (B) However, notice of all such authorizations shall be
12 submitted to the department within thirty (30) days and shall be incorporated
13 into the ~~district~~ regional needs assessment in its next regular update.
14

15 SECTION 9. Arkansas Code § 8-6-901(13) is amended to read as follows
16 to make stylistic changes:

17 (13)(A) "Solid waste management facility" means all contiguous
18 land and structures, other appurtenances, and improvements on the land used
19 for storage, collection, transportation, processing, treatment, ~~and/or~~ or
20 disposal of solid waste.

21 (B)(i) For purposes of this subchapter, facilities engaged
22 solely in the recycling of source-separated materials are excluded.

23 (ii) Also excluded are processes, operations, ~~and/or~~
24 and facilities that are regulated pursuant to hazardous waste rules and
25 regulations which are not regulated pursuant to solid waste rules and
26 regulations.
27

28 SECTION 10. Arkansas Code § 8-7-1404(b)(3) is amended to read as
29 follows to make stylistic changes:

30 (3) Not determine that a property has been adequately remediated
31 unless:

32 (A)~~(i)~~ The inspection, sampling, remediation, and removal
33 of contaminated materials is performed:

34 (i) By performed by or under the direction and
35 responsible charge of an individual who has obtained a certification under
36 the rules established by the Arkansas Pollution Control and Ecology

1 Commission under this subchapter; or

2 (ii) ~~The inspection, sampling, remediation, and~~
3 ~~removal of contaminated materials is performed by~~ By an employee of a public
4 agency that has the responsibility of regulatory enforcement, emergency
5 response, the protection of public health and welfare, or the protection of
6 the environment while the employee is acting in the course of that
7 employment; and

8 (B) The property has met the remediation standards
9 developed by the department;

10
11 SECTION 11. Arkansas Code § 8-7-1405(d)(7)(D)(ii) is amended to read
12 as follows to make stylistic changes:

13 (ii) ~~As used in subdivision (d)(7)(D)(i) of this~~
14 ~~section, "authorized person" means~~ The following persons are authorized to
15 enter a residually contaminated property or in the case of a space-rental
16 mobile home or recreational vehicle park the unit located on the property:

17 (a) An employee of the ~~Arkansas Department of~~
18 ~~Environmental Quality~~ department;

19 (b) A law enforcement officer;

20 (c) The owner of a residually contaminated
21 property; and

22 (d) A representative of an owner of a
23 residually contaminated property if the representative has signed a waiver of
24 liability;

25
26 SECTION 12. The enactment and adoption of this act shall not repeal,
27 expressly or impliedly, the acts passed at the regular session of the 87th
28 General Assembly. All such acts shall have full effect and, so far as those
29 acts intentionally vary from or conflict with any provision contained in this
30 act, those acts shall have the effect of subsequent acts and as amending or
31 repealing the appropriate parts of the Arkansas Code of 1987.

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33 /s/ Madison
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